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Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Claims 1, 9 and 15 have been cancelled. Claims 3, 12 and 13 have been rewritten in independent form. Other claims have been amended to change their dependency or make a clerical correction. Applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses the rejection under 35 U.S.C. §102 of claim 3 based upon the *McCoy* patent. *McCoy* never discusses or contemplates examining a composite signal after adding a threshold correcting signal to determine if at least one unwanted oscillation has been introduced into the composite signal by the threshold correcting signal. The Examiner seems to point to a statement in column 1 of the *McCoy* reference as somehow anticipating this portion of claim 3, but that statement in the background of the invention of the *McCoy* reference merely points out a problem. It does not point out a solution provided by *McCoy*. Moreover, that statement does not comprise examining a composite signal after adding a threshold correcting signal to determine if an unwanted oscillation has been introduced. Claim 3 is not anticipated.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 of claim 16 based upon the proposed combination of *McCoy* and *Long*. There is no *prima facie* case of obviousness. A proposed combination or modification to a primary reference must provide some benefit in order for there to be sufficient legal motivation to establish a *prima facie* case of obviousness. In this case, the addition of *Long* to *McCoy* provides no benefit and, therefore, the combination cannot be made.

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*McCoy* uses a specific arrangement where the processing system 108 adjusts each input symbol corresponding to the time of a located peak "in accordance with the symbol-type adjustment factors and in accordance with the subchannel adjustment factors corresponding to the subchannel on which the symbol is to be sent, and further in accordance with the amplitude excess,  $p$ , and the phase angle of the portion of the signal." (Column 8, lines 21-27).

There is no use for a polarity in connection with the items already used in the *McCoy* reference. *McCoy* has already determined a workable system that *McCoy* considers complete to accomplish his objectives. Adding a polarity determination as taught by *Long* does not provide any benefit in *McCoy* and, therefore, the combination cannot be made.

Additionally, the processing in *Long* occurs before a DSL modem sends a digitally-originated signal outward. Such a modification is different than what occurs in *McCoy*, which deals with an analog signal as is clear from Figure 5, for example. This is an additional reason why the combination between *McCoy* and *Long* cannot be made.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 based upon the proposed combination of *McCoy*, *Long* and *Kiykioglu*. As noted above, the combination between *McCoy* and *Long* cannot be made. Further, *Kiykioglu* cannot be added to this combination. The signal conditioning in *Kiykioglu* is intended to be used by a digital processor in a digital environment before it is converted to an analog environment. Such processing has no relevance in the *McCoy* reference where an analog signal is processed to control peaks within the analog signal according to *McCoy's* disclosed technique. Since there is no use for the *Kiykioglu* techniques within the

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teachings of the *McCoy* reference, there is no benefit provided by the combination and there is no *prima facie* case of obviousness.

The Applicant thanks the Examiner for the indication of allowable subject matter in claims 12-14. By rewriting claims 12 and 13 in independent form, those claims are allowable.

Applicant respectfully submits that this entire case is in condition for allowance. If the Examiner believes that a telephone conference will help to move this case forward to being issued, Applicant's representative is happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Additional fees for a fourth independent claim in the amount of \$200.00 are due. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds in the amount of \$200.00 and for any additional fees or to credit the account for any overpayment.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this Response relating to Application Serial No. 10/037,051, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on May 9, 2005.

  
Theresa M. Palmateer

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